IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

CRP.No. 3298 of 2001(B)

EA 276/2000 IN OS 254/91 OF
ADDL.MUNSIFF COURT, NEDUMANGAD

REVN. PETITIONER/7TH DEFENDANT (7TH JUDGMENT DEBTOR):

G.SYLAJA, W/O.RAJAN, MALARVADI,
VATTAPPARA.

BY ADV. SRI.B.RAGUNATHAN

RESPONDENTS/PLAINTIFF(DECREE HOLDER) AND DEFENDANTS 1 TO 6 AND 8 & 9 (JUDGMENT DEBTORS 1-6 AND 8 & 9):

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1. KRISHNAN CHETTIAR, S/O.SUBRAMONIYAN CHETTIAR, PALACKAD RAILWAY QUARTERS NO.359 A FROM ALUVILA VEEDU, KAZHUNAD MURI, KARAKULAM VILLAGE, VATTAPPARA.

2. BHAGEERATHI AMMA, W/O.KRISHNAN NAIR, PUTHEN VEEDU, NEAR ST.X'VIERS CHURCH, VATTAPPARA VILLAGE

3. ARJUNAN CHETTIAR, S/O.SUBRAMONIYAN CHETTIYAR, GIRI SADANAM, VATTAPPARA

4. S.C.JAY KUMAR, P.B.NO.5258, POX MASCAR, SULTHANATE OF OMAN

5. KAMALAM, W/O.DANAM, ROY HOUSE, SEEMAMULA MUKKU VENKODE, VATTAPPARA

6. L.SAROJAM, W/O.NESAMONEY, JOY VILASOM, CHEATHAPPOORU, VATTAPPARA

7. M.C.GEORGE, THARAKAN VADAKEDAM, ST.GEORGE AUTOMOBILE OWNER, MUKKAMPALAMOODU, VATTAPPARA.

8. RAJAMMA, W/O.ANTONY, BACKSIDE OF ST.X'VIERS CHURCH VATTAPPARA.

9. C.RAJAMMA, ALUVILA VEEDU, VATTAPPARA.

RESPONDENTS NO.2,5,6,7 AND 8 ARE REMOVED FROM PARTY ARRAY VIDE ORDER DT.3/1/07 IN IA 29/07

R1 BY ADV. SRI.K.R.RAGHUNATH
ADV.K.P.BALAGOPAL
R4 BY ADV.L.MOHANAN
ADV.D.SAJEEV

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NOs. 6917/01 & 2571/03 IN CRP 3298/01

DISMISSED

16/1/2007

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

SHW to Judge.

M.SASIDHARAN NAMBIAR,J.

C.R.P.NO. 3298 OF 2001

Dated 16th January 2007

O R D E R

Seventh judgment debtor in O.S.254/1991 on the file of Additional Munsiff court, Nedumangad is challenging the order passed by executing court in E.A.276/2000 allowing the application filed by first respondent/decree holder to put up a boundary with the assistance of commissioner as shown in Ext.C1(a) plan appended to the decree. Case of petitioner is that she filed objection to the application filed by first respondent before executing court and she was only a formal party to the suit and no relief was sought for against her and she apprehends that while putting up boundary, a portion of her property would be annexed to the property of first respondent and therefore the order is to be set aside.

2. On hearing learned counsel appearing for petitioner and first respondent, I find no illegality or irregularity in the impugned order passed by the executing court. Petitioner is one of the defendants

in the suit. In the suit, learned Munsiff fixed the boundary as shown by commissioner in Ext.C1(a) plan. If case of petitioner is that by accepting the plan, a portion of her property will be taken by first respondent, petitioner should have preferred an appeal challenging the decree to that extent. Without challenging the decree, petitioner is not entitled to raise any objection. As the decree provides for putting up boundary in accordance with Ext.C1(a) plan first respondent is entitled to get the order granted by the executing court. There is no merit in the revision.

Revision petition is dismissed.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.

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M.SASIDHARAN NAMBIAR,J.

ORDER

C.R.P.No.3298 OF 2001

16th January 2007

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